EXHIBIT A

Case 1:18-cv-03436-JGK Document 1-1 Filed 04/19/18 Page 2 of 27



TO:

Jason Engel, Senior Vice President & General Counsel

Experian

475 Anton Blvd Bldg D Costa Mesa, CA 92626-7037

RE:

Process Served in New York

FOR:

Experian Information Solutions, Inc. (Domestic State: OH)

Service of Process **Transmittal**

03/22/2018

CT Log Number 533014876 JASON ENGEL

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Elizabeth Stobbs, Pltf. vs. Macy's, etc., et al., Dfts. // To: Experian Information

Solutions, Inc.

DOCUMENT(S) SERVED:

Notice, Summons, Complaint, Verification, Attachment(s)

COURT/AGENCY:

New York County: Supreme Court, NY

Case # 1524612Ó18

NATURE OF ACTION:

New York Fair Credit Reporting Act

ON WHOM PROCESS WAS SERVED:

C T Corporation System, New York, NY

DATE AND HOUR OF SERVICE:

By Process Server on 03/22/2018 at 14:50

JURISDICTION SERVED:

New York

APPEARANCE OR ANSWER DUE:

Within 20 days after service

ATTORNEY(S) / SENDER(S):

Patrick Russo

Reznik Law Office, P.C. 30 Wall Street, 8th Floor #741

New York, NY 10005 212) 537-9276

ACTION ITEMS:

SOP Papers with Transmittal, via UPS Next Day Air, 1ZX212780118721735

SIGNED: ADDRESS:

C T Corporation System 111 8th Ave Fl 13 New York, NY 10011-5213

TELEPHONE:

212-590-9070

COUNTY OF NEW YORK	ATE OF NEW YORK 	
Elizabeth Stobbs,	X	
Plainti	ff/Petitioner,	
- against -	7.477	Index No. 152461/2018
Macy's aka Department Stores Nationa	ıl Bank, et al.,	
Defend	dant/Respondent.	
	X OF COMMENCEM	IENT OF ACTION

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

SUBJECT TO MANDATORY ELECTRONIC FILING

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

Parties represented by an attorney: An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the e-filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

Parties not represented by an attorney: Unrepresented litigants are exempt from efiling. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant may participate in e-filing. For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit www.nycourts.gov/efile-unrepresented. Unrepresented litigants also are encouraged to visit www.nycourthelp.gov or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

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30 Wall Street, 8th Floor, #741
Address
New York, NY 10005

212-537-9276

Phone
Patrick.russo@rezniklawoffice.com

E-Mail

9/3/15

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

Elizabeth Stobbs,

Index No.

Plaintiff,

SUMMONS

- against-

Macy's aka Department Stores National Bank, Experian Information Solutions, Inc., and Equifax Information Services, LLC

Defendant(s).

The basis of the venue designated is Defendant Macy's aka Department Stores National Bank's and Experian Information Solutions, Inc.'s Principal Place of Business.

To the above named defendant(s):

YOU ARE HEREBY SUMMONED to appear in the Supreme Court of the State of New York, County of New York at the office of the Clerk of said Court at 60 Centre Street New York, NY 10007 in the County of New York, State of New York, within the time provided by law as noted below and to file your answer to the annexed complaint with the Clerk; upon your failure to answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: March 20, 2018

New York, New York

Reznik Law Office, P.C.

By: /s/ Patrick Russo
Patrick Russo, Esq.
30 Wall Street, 8th Floor #741
New York, NY 10005
Tel (212) 537-9276
Fax (877) 366-4747
Patrick.russo@rezniklawoffice.com
Attorneys for Plaintiff

NOTE: The laws or rules of court provide that:

- (a) if this summons is served by its delivery to you personally, you must appear and answer within TWENTY days after such service; or
- (b) if this summons is served by delivery to any person other than you personally, or is served by any alternative method permissible under the CPLR, you must appear and answer within THIRTY days after such service.

Defendants' Addresses:

Macy's aka Department Stores National Bank 151 W. 34th Street New York, NY 10001

Experian Information Solutions, Inc. 29 Broadway, 6th Floor New York, NY 10006

Equifax Information Services, LLC 1550 Peachtree Street Atlanta, GA 30309

Trans Union, LLC 555 W. Adams Chicago, IL 60661

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

Elizabeth Stobbs,

Plaintiff,

Index No.

- against-

VERIFIED COMPLAINT

Macy's aka Department Stores National Bank, Experian Information Solutions, Inc., and Equifax Information Services, LLC

Defendant(s).

Plaintiff ELIZABETH STOBBS, by and through her attorneys, Reznik Law Office, P.C., complaining of the Defendants, hereby alleges as follows:

1. This is an action for damages brought by an individual consumer for Defendants' violations of the Fair Credit Reporting Act, 15. U.S.C. § 1681, et seq. (the "FCRA"), the New York Fair Credit Reporting Act, NY CLS Gen Bus § 380, et seq. ("NY FCRA"), and other claims related to unlawful credit reporting practices. The FCRA and NY FCRA prohibit furnishers of credit information to falsely and inaccurately report consumers' credit information to credit reporting agencies.

<u>PARTIES</u>

- 2. Plaintiff, Elizabeth Stobbs, is an adult residing in Chicago, IL.
- 3. Defendant, Macy's aka Department Stores National Bank ("Macy's/DSNB") is a business entity that furnishes consumer credit information to consumer reporting

- agencies. It has a principal place of business located at 151 W. 34th Street, New York, NY 10001.
- 4. Defendant, Trans Union, LLC ("Trans Union"), is a business entity that engages in the business of maintaining and reporting consumer credit information. It has a principal place of business located at 555 W. Adams, Chicago, IL 60661.
- 5. Defendant Equifax Information Services, LLC ("Equifax"), is a business entity that engages in the business of maintaining and reporting consumer credit information. It has a principal place of business located at 1550 Peachtree Street, Atlanta, GA 30309.
- 6. Defendant Experian Information Solutions, Inc. ("Experian"), is a business entity that engages in the business of maintaining and reporting consumer credit information. It has a principal place of business located at 29 Broadway, 6th Floor, New York, NY 10006.
- 7. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1681a(c) of the FCRA and N.Y. GBS. LAW § 380-a(b) of NY FCRA.

FACTUAL ALLEGATIONS

- Defendant Macy's/DSNB issued a credit card account ending in 1992 to Plaintiff;
 the account was routinely reported on Plaintiff's consumer credit report.
- 9. The consumer report at issue is a written communication of information concerning Plaintiff's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or for the purpose of serving as a factor in establishing the consumer's eligibility for

- by 15 U.S.C. § 1681a(d)(1) of the FCRA and N.Y. GBS. LAW § 380-a(c)(1) of the NY FCRA.
- 10. On or about November 13, 2013, Macy's/DSNB issued a 1099-C discharging \$1,613.55 on Plaintiff's Macy's/DSNB account ending in 1992. A copy of the 1099-C is attached herein as <u>Exhibit A</u>.
- 11. However, over four years later, Plaintiff's Macy's/DSNB account continues to be negatively reported.
- 12. In particular, on a requested credit report dated January 9, 2018, Plaintiff's Macy's/DSNB account was reported with a status of "CHARGE OFF," a balance of \$1,847.00 and a past due balance of \$1,847.00. The relevant portion of Plaintiff's credit report is attached herein as Exhibit B.
- 13. This trade line was inaccurately reported; as explained above, the debt was discharged and has a balance of \$0 and must be reported as such.
- 14. On January 23, 2018, Plaintiff, via counsel, sent a dispute letter to Defendants requesting the trade line to be corrected. A copy of the dispute letter and the certified mail receipts is attached herein as Exhibit C.
- 15. Therefore, Plaintiff has disputed the accuracy of the derogatory information reported by Macy's/DSNB to the Consumer Reporting Agencies via certified mail in accordance with 15 U.S.C. § 1681i of the FCRA and N.Y. GBS. LAW § 380-f of the NY FCRA.
- 16. In March 2018, Plaintiff requested an updated credit report from each Defendant credit reporting agency. The trade line for the Macy's/DSNB account in question

- remained the same on Plaintiff's credit reports as it was reported on the January 9, 2018 credit report, as Defendants failed to correct the inaccuracy. These credit reports are attached herein as Exhibit D.
- 17. Experian and Equifax did not notify Macy's/DSNB of the dispute by Plaintiff in accordance with the FCRA, or alternatively, did notify Macy's/DSNB and Macy's/DSNB failed to properly investigate and delete the trade line or properly update the trade line on Plaintiff's credit reports.
- 18. If Macy's/DSNB did perform a reasonable investigation of Plaintiff's dispute,
 Plaintiff's Macy's/DSNB account would be updated to reflect a settled status with
 a \$0 balance.
- 19. Macy's/DSNB has promised through its subscriber agreements or contracts to accurately update accounts but Macy's/DSNB has nonetheless willfully, maliciously, recklessly, wantonly, and/or negligently failed to follow this requirement as well as the requirements set forth under the FCRA and NY FCRA, which has resulted in the intended consequences of this information remaining on Plaintiff's credit reports.
- 20. Defendants failed to properly maintain and failed to follow reasonable procedures to assure maximum possible accuracy of Plaintiff's credit information and Plaintiff's credit report, concerning the account in question, thus violating state law and the FCRA. These violations occurred before, during, and after the dispute process began with Experian and Equifax.
- 21. At all times pertinent hereto, Defendants were acting by and through their agents, servants and/or employees, who were acting within the scope and course of their

- employment, and under the direct supervision and control of the Defendants herein.
- 22. At all times pertinent hereto, the conduct of Defendants, as well as that of their agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal law and the rights of the Plaintiff herein.

FIRST CAUSE OF ACTION (Fair Credit Reporting Act)

- 23. Plaintiff reasserts and incorporates herein by reference all facts and allegations set forth above.
- 24. Equifax is a "consumer reporting agency," as codified at 15 U.S.C. § 1681a(e).
- 25. Experian is a "consumer reporting agency," as codified at 15 U.S.C. § 1681a(e).
- 26. Macy's/DSNB is an entity who, regularly and in the course of business, furnishes information to one or more consumer reporting agencies about its transactions or experiences with any consumer and therefore constitutes a "furnisher," as codified at 15 U.S.C. § 1681s-2.
- 27. Macy's/DSNB is reporting inaccurate credit information concerning Plaintiff to one or more credit bureaus as defined by 15 U.S.C. § 1681a of the FCRA.
- 28. Plaintiff notified Defendants directly of a dispute on the Macy's/DSNB account's completeness and/or accuracy, as reported.
- 29. Macy's/DSNB failed to update Plaintiff's credit report and/or notify the credit bureaus that the Macy's/DSNB account in question was disputed in violation of 15 U.S.C. § 1681s-2(b).

- 30. Macy's/DSNB failed to complete an investigation of Plaintiff's written dispute and provide the results of an investigation to Plaintiff or the credit bureaus within the 30-day statutory period as required by 15 U.S.C. § 1681s-2(b).
- 31. Macy's/DSNB failed to promptly modify the inaccurate information on Plaintiff's credit report in violation of 15 U.S.C. § 1681s-2(b).
- 32. Experian and Equifax failed to delete information found to be inaccurate, reinserted the information without following the FCRA, or failed to properly investigate Plaintiff's disputes as required by 15 U.S.C. § 1681i(a).
- 33. Experian and Equifax failed to maintain and failed to follow reasonable procedures to assure maximum possible accuracy of Plaintiff's credit report, concerning the account in question, violating 15 U.S.C. § 1681e(b).
- 34. As a result of the above violations of the FCRA, Plaintiff suffered actual damages in one or more of the following categories: lower credit score, lower credit capacity, denial of credit, embarrassment and emotional distress caused by the inability to obtain financing for everyday expenses, embarrassment caused by necessity of obtaining a co-signer on mortgage, higher interest rates on loans that would otherwise be affordable and other damages that may be ascertained at a later date.
- 35. As a result of the above violations of the FCRA, Defendants are liable to Plaintiff for actual damages, punitive damages, statutory damages, attorney's fees and costs.

SECOND CAUSE OF ACTION
(New York Fair Credit Reporting Act)

- 36. Plaintiff reasserts and incorporates herein by reference all facts and allegations set forth above.
- 37. Experian and Equifax failed to delete information found to be inaccurate, reinserted the information without following the NY FCRA, or failed to properly investigate Plaintiff's disputes.
- 38. Experian and Equifax failed to promptly re-investigate and record the current status of the disputed information and failed to promptly notify the consumer of the result of its investigation, its decision on the status of the information, and his rights pursuant to this section in violation of NY FCRA, N.Y. Gen. Bus. Law § 380-f(a).
- 39. Experian and Equifax failed to clearly note in all subsequent consumer reports that the account in question is disputed by the consumer in violation of NY FCRA, N.Y. Gen. Bus. Law § 380-f(c)(3).
- 40. As a result of the above violations of the NY FCRA, Plaintiff suffered actual damages in one or more of the following categories: lower credit score, lower credit capacity, denial of credit, embarrassment and Plaintiff suffered actual damages in one or more of the following categories: lower credit score, lower credit capacity, denial of credit, embarrassment and emotional distress caused by the inability to obtain financing for everyday expenses, embarrassment caused by necessity of obtaining a co-signer on mortgage, higher interest rates on loans that would otherwise be affordable and other damages that may be ascertained at a later date.

41. As a result of the above violations of the NY FCRA, Experian and Equifax are liable to Plaintiff for actual damages, punitive damages, statutory damages, attorney's fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands that judgment in the sum of \$55,000.00 be entered against Defendants as follows:

- 1) That judgment be entered against Defendants for actual damages pursuant to 15 U.S.C. § 1681n or alternatively, 15 U.S.C. § 1681o;
- That judgment be entered against Defendants for punitive damages pursuant to 15 U.S.C. § 1681n;
- 3) That the Court award costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1681n or alternatively, 15 U.S.C. § 1681o;
- . 4) That judgment be entered against Experian and Equifax for actual damages pursuant to N.Y. Gen. Bus. Law § 380-m;
 - 5) That the Court award costs and reasonable attorney's fees pursuant to N.Y. Gen. Bus. Law § 380-m; and
 - 6) That the Court grant such other and further relief as may be just and proper.

Dated: March 20, 2018 New York, New York

Reznik Law Office, P.C.

By: /s/ Patrick Russo
Patrick Russo, Esq.
30 Wall Street, 8th Floor #741
New York, NY 10005
Tel (212) 537-9276
Fax (877) 366-4747
Patrick.russo@rezniklawoffice.com
Attorneys for Plaintiff

VERIFICATION BY ATTORNEY

STATE OF NEW YORK

) ss.:

COUNTY OF NEW YORK)

I, PATRICK RUSSO, an attorney duly admitted to practice law in the State of

New York, hereby affirm under penalty of perjury:

I am an attorney associated with Reznik Law Office, P.C., attorneys for

ELIZABETH STOBBS, the plaintiff in the foregoing matter, with an office located at 30

Wall Street, 8th Floor #741, New York, NY 10005. I have read the foregoing Complaint

and know the contents thereof, and that the same is true to my own knowledge, except as

to the matters therein stated to be alleged upon information and belief, and that as to

those matters I believe them to be true.

The reason why this verification is made by deponent instead of Plaintiff is

because Plaintiff is not within the County of New York which is the county where the

deponent has his office.

Dated: March 20, 2018

New York, New York

PATRICK RUSSO

EXHIBIT A

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CORF	ECTED (if checked)	•	A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
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DESTOR'S Identification number 38:8535434 DESTOR'S name . STUEBS; ELIZAGETHO	4 Debt description MACYS CREDIT CARD	LOAN	For Debtor This is Important tak Information we'd sheing furnished to the Internal Revenue Service If you
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Form 1099-C (lease for your records)	-www.lrs.gov/form1099c	Department of the Treesury	Internal Revenue Service

DEPARTMENT STORES NATIONAL BANK PO BOX 790034 ST LOUIS, MO 63179

EXHIBIT B

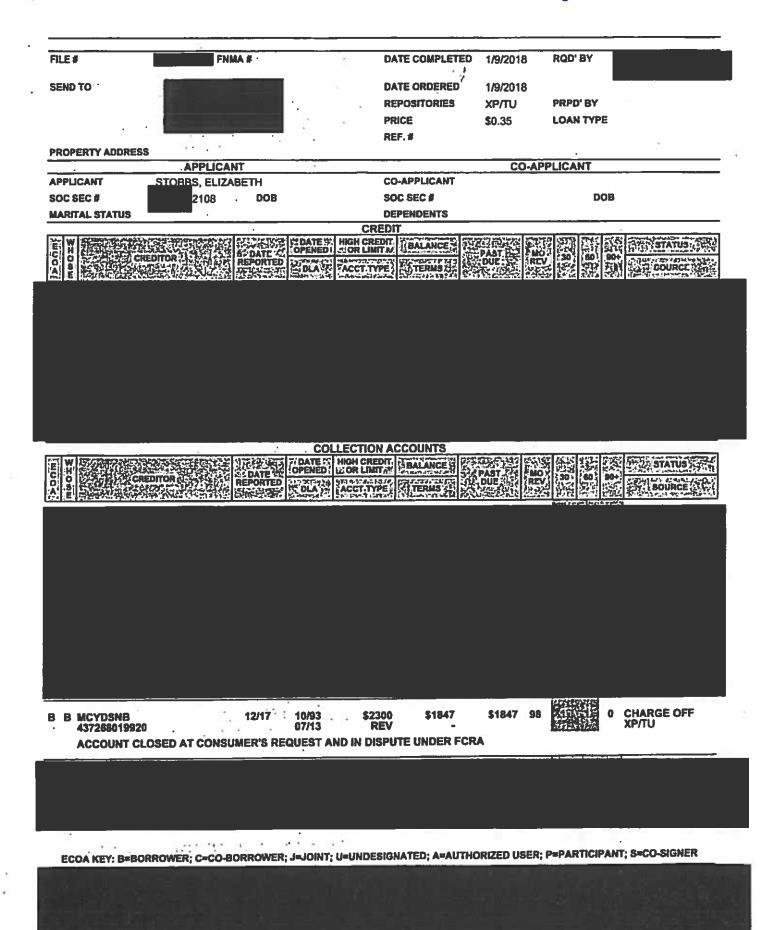


EXHIBIT C



The Law Offices ROBERT S. GITMEID & ASSOC., PLLC

January 23, 2017

VIA CERTIFIED MAIL

Transunion Consumer Solutions P.O. Box 2000 Chester, PA 19016

Experian P.O. Box 4500 Allen, TX 75013

Experian Information Solutions, Inc. 29 Broadway, 6th Floor New York, NY 10020

Equifax Information Services, LLC

P.O. Box 105139 -Atlanta, GA 30348

Innovis Consumer Assistance

P.O. Box 1640 Pittsburgh, PA 15230

Creditor:

Account No.: SSN: Address:

Elizabeth Stobbs Mcy/DSNB Ending in 1992 Ending in 2108

Dear Sir and/or Madam,

Please be advised that this office was retained to represent Elizabeth Stobbs with respect to her claims under the Fair Credit Reporting Act, 15. U.S.C. § 1681, et seq. (the "FCRA") and other claims related to unlawful credit reporting practices.

On November 13, 2013, Macys Credit Card ("Macys") issued a 1099-C discharging \$1,613.55 on Ms. Stobbs' Macys account ending in 1992. A copy of the 1099-C is attached herein for your review.

However, over four years later, Ms. Stobbs' Macys account is still being negatively reported. In particular, on a requested credit report dated January 9, 2018, the account was reported with a status of "CHARGE OFF", a balance of \$1,847.00 and a past due balance of \$1,847.00. The relevant portion of Ms. Stobbs' credit report is attached herein for your review. This trade line was inaccurately reported. As evidenced by the attached 1099-C, the debt was discharged and the account has a

Please take notice that this dispute is made pursuant to 15 U.S.C. § 1681i under the FCRA. Therefore, if this inaccuracy is not corrected within thirty (30) days, we will pursue further legal process on behalf of our client.

Thank you for your prompt attention to this important matter.

Very truly yours

Patrick Russo, Esq. Patrick.Russo@gitmeidlaw.com

PR: Encl.

> Tel (212) 226-5081 11 Broadway, Suite 1515, New York, NY 10004 www.GitmeidLaw.dom

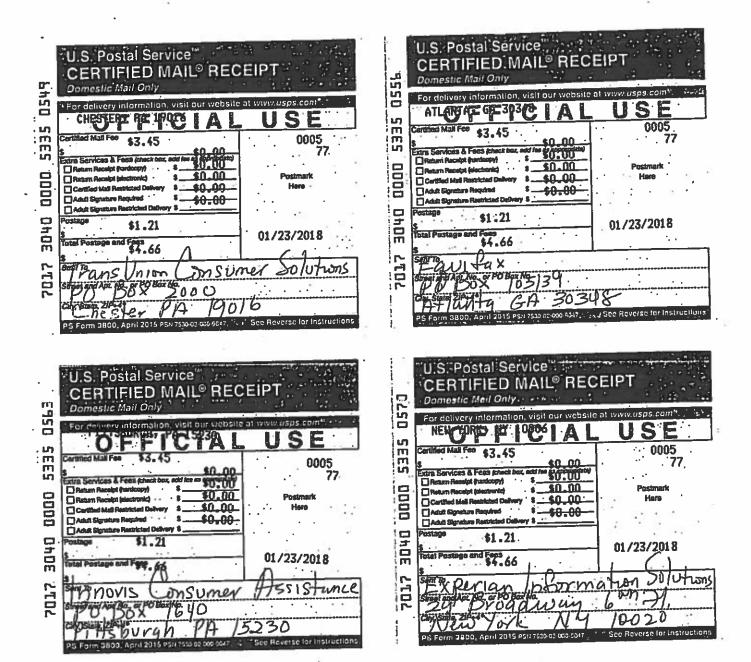
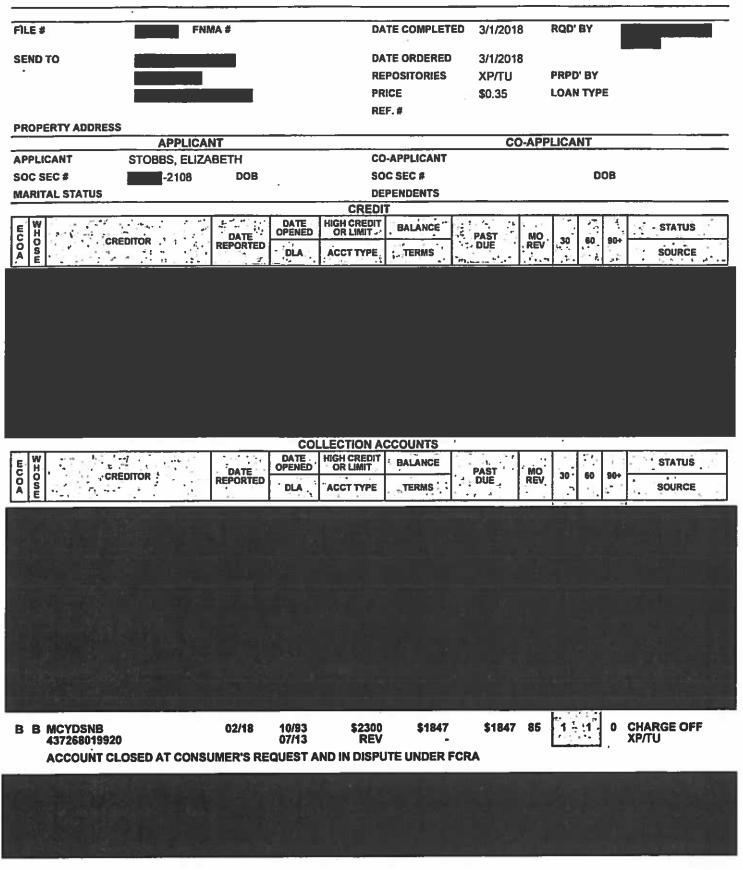




EXHIBIT D



ECOA KEY: B=BORROWER; C=CO-BORROWER; J=JOINT; U=UNDESIGNATED; A=AUTHORIZED USER; P=PARTICIPANT; S=CO-SIGNER

Full Credit Report | Credit Karma

Account Details Account Details Payment History Latest Status: Collection/Charge-Off Latest Status: Collection/Charge-Off Craditor Name Account Type Account Type Account Status Closed Opened Date Opened Date Payment History Latest Status: Collection/Charge-Off Eatest Status: Collecti	
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Limit \$2.300 JFBABJASOND	
Term Collection/Charge-Off	
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Responsibility Individual Account. X 60-89 Days Late	
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Worst Payment Status MACYS/DSNB	
Clate of Last Paymont Jul 01, 2013 911 DUKE BY	
Amount Past Duo 51,847 45040	
Times 30/60/90 Days Late 1/1/18 (800) 243-6552	
Remarks Consumer disputes this occount information Charged off account	

Full Credit Report | Credit Karma

Belance

Highest Balance

DSNB MACYS	10	•
Account Dateils		Payment History
Last Reported	Jan 17, 2018	Latest Status: Collection/Charge-Off
Craditor Name	DSNB MACYS	No payment history has been reported by this creditor.

Charge Account Account Typs Credit Utilization* Closed - Derogstory Account Status

Opened Date Creditor Contact Dotails Aug 08, 2013 -Closed Date MACYS DEPARTMENT STORES 92,300 Limit

Oct 01, 1993

PO BOX 8218 MASON, OH 45040 \$0 Monthly Payment Individual Responsibility

\$2,017

Payment Status Collection/Charge-Unknown **Worst Payment Status** Jul 02, 2013 Date of Last Payment \$0

Amount Past Due Times 30/60/90 Days Late Charged off as bad Remarks dobt

> Dispute of account information/closed by consumer